

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63983 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- GANGABRIDGE District- Vaishali

MANJAY LAL KUMAR, SON OF TEJ NARAYAN SINGH, R/O VILL.-
SAHDULLAPUR, P.S.- GANGABRIDGE, DISTT.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Ganga Bridge P.S. Case No. 165 of 2022 registered for the offence punishable under Sections 467, 468, 471 and 420 of the Indian Penal Code and Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

4465.440 litres Indian made foreign liquor has been seized while being unloaded from a truck.

Learned counsel for the petitioner submits that two co-accused persons namely Sanjeev Kumar and Rakesh Kumar in their statement, recorded while in custody, has stated the name of the petitioner along with others as being persons indulging in the trade of illicit liquor. Other than such statement of co-accused, there is no cogent material. Admittedly, petitioner was not arrested from the



place of recovery, nor there is any recovery of incriminating material from the petitioner. He has no antecedents and he is in custody since 24.09.2022. The recovery is denied and disputed and is stated to be not in accordance with law.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.I-cum-Addl. Dist. & Sessions Judge, Vaishali at Hajipur, in connection with Ganga Bridge P. S. Case No. 165 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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